

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALCO INDUSTRIES, INC., on behalf of itself and all others similarly situated,]	
]	
Plaintiff,]	CIVIL ACTION No. 14-cv-1183 (LDD)
]	
v.]	Judge Legrome D. Davis
]	
INDUSTRIAL PACKAGING SUPPLIES,]	
INC., A/K/A and D/B/A]	
STRETCHFILMDEPOT.COM]	
]	
Defendant.]	

**NOTICE OF FCC ORDER GRANTING INDUSTRIAL PACKAGING SUPPLIES, INC.'s
REQUEST FOR A RETROACTIVE WAIVER**

Defendant, by and through its undersigned attorneys, hereby notifies the Court that the FCC granted Industrial Packaging Supplies, Inc. an individual retroactive waiver of section 64.1200(a)(4)(iv) of the Commission's rules for good cause and to better serve the public interest.

As set forth in the attached August 28, 2015 Order, the Commission emphasized the waiver provides relief for any faxes that did not include the required opt-out information. In granting the Waiver, the Commission found Industrial Packaging Supplies, Inc. had demonstrated to the FCC that it is similarly situated to the faxers granted by the Commission in the *2014 Anda Commission Order*.

The Commission sought comment on the petitions. Thereafter, the Commission expressly dismissed arguments that by granting waivers while litigation is pending violates the separation of powers. The Commission stated that by addressing requests for declaratory ruling and/or waiver, it is interpreting a statute, the TCPA, over which Congress provided the Commission

authority as the expert agency. The Commission further stated Likewise, the mere fact that the TCPA allows for private rights of action to enforce rule violations does not undercut our authority, as the expert agency, to define the scope of when and how our rules apply. The Commission may waive any of its rules for such good cause shown.

Respectfully submitted,

Dated: September 2, 2015

FLAMM WALTON P.C.

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Inc.
a/k/a and d/b/a Stretchfilmdepot.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, on this 3rd day of September, 2015, which will send a notice of electronic filing to all attorneys of record.

/s/ F. Emmett Fitzpatrick, III

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